

AMENDED IN SENATE JANUARY 5, 2004

**SENATE BILL**

**No. 928**

**Introduced by Senator Aanestad**

February 21, 2003

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An act to amend Section 1635.5 of, *and to add Section 1635.7 to*, the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, as amended, Aanestad. Dentistry licensure.

Existing law, the Dental Practice Act, authorizes the Dental Board of California to issue a license to a person who is currently licensed to practice dentistry in another state if the person satisfies other requirements, including proof that the applicant has been in clinical practice or a faculty member for ~~a specified time~~ *1000 hours per year for at least 5 years preceding his or her application*.

This bill would *instead* require an out-of-state applicant, ~~including a faculty member~~, to provide proof that he or she has ~~been in active clinical practice for that time~~. ~~The bill would also require an applicant to provide proof of the applicant's skills and judgment in specified areas~~ *either been in active clinical practice, or a full-time member in an accredited clinical program, for a total of at least 5000 hours in 5 of the 7 years preceding his or her application*.

*Existing law requires an applicant to provide proof that he or she has not been subject to discipline in any state in which he or she has practiced and to sign a release allowing disclosure of specified information. Existing law requires the board to determine whether the disciplinary action and information warrants refusal to issue a license.*

*This bill would instead require the board to determine whether the disciplinary action or information presents sufficient evidence of a*

*violation of unprofessional conduct, as defined in the act, to warrant submission of additional information or the denial of the application for licensure. The bill would require an applicant to make certain acknowledgments under penalty of perjury with respect to his or her application, thereby creating a new crime and imposing a state-mandated local program. The bill would authorize the board to contract with a 3rd party to review applications, and would require a person licensed under the provisions of the bill to fulfill continuing education requirements established by the board.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1635.5 of the Business and Professions
- 2 Code is amended to read:
- 3 1635.5. (a) Notwithstanding Section 1634, the board may
- 4 grant a license to practice dentistry to an applicant who has not
- 5 taken an examination before the board, if the applicant submits all
- 6 of the following to the board:
- 7 (1) A completed application form and all fees required by the
- 8 board.
- 9 (2) Proof of a current license issued by another state to practice
- 10 dentistry that is not revoked or suspended or otherwise restricted.
- 11 (3) Proof that the applicant has either been in active clinical
- 12 practice, or has been a full-time faculty member in an accredited
- 13 dental education program and in active clinical practice under a
- 14 ~~license or special permit to practice, for a minimum of 1,000 hours~~
- 15 ~~per year for at least five years preceding the date of his or her~~
- 16 ~~license or special permit to practice, for a total of at least 5,000~~
- 17 ~~hours in five of the seven consecutive years preceding the date of~~
- 18 ~~his or her application under this section. The clinical practice~~
- 19 ~~requirement shall be deemed met if documentation of any of the~~
- 20 following is submitted:

1 (A) The applicant may receive credit for two of the five years  
2 of clinical practice by demonstrating completion of a residency  
3 training program accredited by the American Dental Association  
4 Commission on Dental Accreditation, including, but not limited  
5 to, a general practice residency, an advanced education in general  
6 dentistry program, or a training program in a specialty recognized  
7 by the American Dental Association.

8 (B) If an applicant provides proof of at least two years of  
9 clinical practice or receives two years of credit as defined in  
10 subparagraph (A), he or she may commit to completing the  
11 remainder of the five-year requirement by filing with the board a  
12 copy of a pending contract to practice dentistry full time in a  
13 primary care clinic licensed under subdivision (a) of Section 1204  
14 of the Health and Safety Code or in a primary care clinic exempt  
15 from licensure pursuant to subdivision (c) of Section 1206 of the  
16 Health and Safety Code, or in a clinic owned or operated by a  
17 public hospital or health system, or a clinic owned and operated by  
18 a hospital that maintains the primary contract with a county  
19 government to fill the county's role under Section 17000 of the  
20 Welfare and Institutions Code. The board may periodically request  
21 verification of compliance with these requirements, and may  
22 revoke the license upon a finding that the employment  
23 requirement, or any other requirement of this subparagraph, has  
24 not been met.

25 (C) If an applicant provides proof of at least two years of  
26 clinical practice or receives two years of credit as defined in  
27 subparagraph (A), he or she may commit to completing the  
28 remainder of the five-year requirement by filing with the board a  
29 copy of a pending contract to teach or practice dentistry full time  
30 in an accredited dental education program as approved by the  
31 Dental Board of California. The board may periodically request  
32 verification of compliance with these requirements, and may  
33 revoke the license upon a finding that the employment  
34 requirement, or any other requirement of this subparagraph, has  
35 not been met.

36 (4) Proof that the applicant has not been subject to disciplinary  
37 action by any state in which he or she is or has been previously  
38 licensed to practice dentistry. If the applicant has been subject to  
39 disciplinary action, the board shall review that action to determine  
40 ~~if it warrants refusal to issue a license to the applicant.~~ *if it presents*

1 *sufficient evidence of a violation of Section 1680 to warrant the*  
2 *submission of additional information from the applicant or the*  
3 *denial of the application for licensure.*

4 (5) A signed release allowing the disclosure of information  
5 from the National Practitioner Data Bank and the verification of  
6 registration status with the federal Drug Enforcement  
7 Administration. The board shall review this information to  
8 ~~determine if it warrants refusal to issue a license to the applicant.~~

9 ~~(6) Proof that the applicant has successfully completed all of~~  
10 ~~the following:~~

11 ~~(A) A clinical demonstration of his or her skills in operative~~  
12 ~~dentistry, prosthetic dentistry, and diagnosis and treatment in~~  
13 ~~periodontics.~~

14 ~~(B) A written demonstration of his or her judgement in~~  
15 ~~diagnosis treatment planning, prosthetic dentistry, and~~  
16 ~~endodontics.~~

17 ~~(7) determine if it presents sufficient evidence of a violation of~~  
18 ~~Section 1680 to warrant the submission of additional information~~  
19 ~~from the applicant or the denial of the application for licensure.~~

20 (6) Proof that the applicant has not failed the examination for  
21 licensure to practice dentistry under this chapter within five years  
22 prior to the date of his or her application for a license under this  
23 section.

24 (7) *An acknowledgement by the applicant executed under*  
25 *penalty of perjury and automatic forfeiture of license, of the*  
26 *following:*

27 (A) *That the information provided by the applicant to the board*  
28 *is true and correct, to the best of his or her knowledge and belief.*

29 (B) *That the applicant has not been convicted of an offense*  
30 *involving conduct that would violate Section 810.*

31 (8) Documentation of 50 units of continuing education  
32 completed within two years of the date of his or her application  
33 under this section. The continuing education shall include the  
34 mandatory coursework prescribed by the board pursuant to  
35 subdivision (b) of Section 1645.

36 (9) Any other information as specified by the board to the  
37 extent it is required of applicants for licensure by examination  
38 under this article.

(b) The board shall provide in the application packet to each out-of-state dentist pursuant to this section the following information:

(1) The location of dental manpower shortage areas that exist in the state.

(2) Those not-for-profit clinics and public hospitals seeking to contract with licensees for dental services.

(c) (1) The board shall review the impact of this section on the availability of dentists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2005. The report shall include a separate section providing data specific to those dentists who intend to fulfill the alternative clinical practice requirements of subparagraph (B) of paragraph (3) of subdivision (a). The report shall include, but not be limited to, all of the following:

(A) The total number of applicants from other states who have sought licensure.

(B) The number of dentists from other states licensed pursuant to this section, as well as the number of licenses not granted and the reasons why each license was not granted.

(C) The location of the practice of dentists licensed pursuant to this section.

(D) The number of dentists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing dentists or no dentists at all.

(E) The length of time dentists licensed pursuant to this section maintained their practice in the reported location. This information shall be reported separately for dentists described in subparagraphs (C) and (D).

(2) In identifying a dentist's location of practice, the board shall use Medical Service Study Areas or other appropriate geographic descriptions for regions of the state.

(3) If appropriate, the board may report the information required by paragraph (1) separately for primary care dentists and specialists.

~~(d) This section shall become operative on July 1, 2002.~~

*(d) The board is authorized to contract with a third party or parties to review applications filed under this section and to advise the board as to whether the applications are complete. The contracting party, its agents, and its employees shall agree to be*

1 *bound by all provisions of law applicable to the board, its*  
2 *members, and staff, governing custody and confidentiality of*  
3 *materials submitted by applicants for licensure.*

4 *SEC. 2. Section 1635.7 is added to the Business and*  
5 *Professions Code, to read:*

6 *1635.7. Any person licensed pursuant to Section 1635.5 shall*  
7 *be required to fulfill continuing education requirements*  
8 *established by the board pursuant to Section 1645 before his or her*  
9 *license is eligible to be renewed in accordance with this chapter.*

10 *SEC. 3. No reimbursement is required by this act pursuant to*  
11 *Section 6 of Article XIII B of the California Constitution because*  
12 *the only costs that may be incurred by a local agency or school*  
13 *district will be incurred because this act creates a new crime or*  
14 *infraction, eliminates a crime or infraction, or changes the penalty*  
15 *for a crime or infraction, within the meaning of Section 17556 of*  
16 *the Government Code, or changes the definition of a crime within*  
17 *the meaning of Section 6 of Article XIII B of the California*  
18 *Constitution.*

